

## CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Evelle D. Ginn

name of person signing certification

Evelle D. Ginn

Signature

11-6-02

Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attn: Filing Receipt Fax Line  
(703) 746-9195

In re application of

: Confirmation No. 6012

Edwin Southern

: Docket No. 99\_1174

Serial No. 09/422,804

: Group Art Unit 1631

Filed October 22, 1999

: Examiner A. Marschel

ANALYSING POLYNUCLEOTIDE SEQUENCES

RECEIVED

JUL 23 2003

TECH CENTER 1600/2900

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents,  
Washington, D.C.

Sir:

This is a request for a Corrected Filing Receipt, to correct a PTO error.

Attached is a filing receipt dated November 16, 1999, which is marked up showing the errors. The filing receipt indicates an incorrect parent application.

Specifically, the application serial no. "08/695,682" is incorrect and should read 07/695,682 having a filing date of May 3, 1991, which application was abandoned.

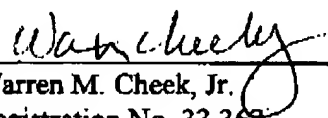
The applicant has received the enclosed response to request for corrected filing receipt, indicating that a petition is required. It is respectfully submitted that such requirement is an error since the error is a PTO error.

Issuance of a corrected filing receipt is respectfully requested.

Respectfully submitted,

Edwin Southern

By:

  
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Registration No. 33,367  
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November 6, 2002

PTO-103X  
(Rev. 8-99)

## FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/422,804	10/22/99	1643	\$760.00	00263/PP/IR	0	1	1

WENDEROTH LIND & PONACK  
SOUTHERN BUILDING  
805 FIFTEENTH STREET N W  
SUITE 700  
WASHINGTON DC 20005

*Please Correct*

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) EDWIN SOUTHERN, OXFORD, ENGLAND.

## CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A DIV OF 08/925,676 09/09/97 5-3-91  
WHICH IS A DIV OF 08/230,012 04/19/94 PAT 5,700,637  
\* WHICH IS A CON OF 08/695,682 09/22/98 ~~08/230,012~~ AB  
WHICH IS A CIP OF 07/573,317 09/28/90 ABN  
WHICH IS A 371 OF PCT/GB89/00460 05/02/89

FOREIGN APPLICATIONS- GREAT BRITAIN 8810400.5 05/03/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 11/16/99

TITLE

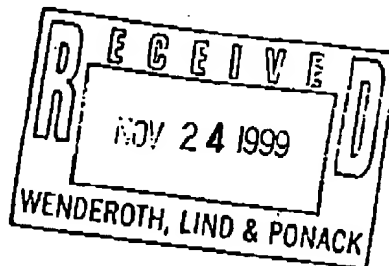
ANALYSING POLYNUCLEOTIDE SEQUENCES

PRELIMINARY CLASS: 435

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DATA ENTRY BY: HARDY, EUGENIA

TEAM: 03 DATE: 11/16/99

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ATTACHMENT

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## Notice Regarding Benefit/Priority Claim(s)

☐ Improper Benefit Claim(s) to Prior-Filed Nonprovisional Application(s)

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The benefit claim(s) to prior-filed nonprovisional application(s) is improper because there is no specific reference for each prior-filed application that includes: (1) the identification of the prior-filed application by application number, or international application number and international filing date; and (2) a clear indication the relationship (*i.e.*, continuation, divisional, or continuation-in-part) of the nonprovisional applications. For example, applicant should amend the specification to include a specific reference, such as "This application is a continuation of Application No. 10/---,--- filed ---." in the first sentence of the specification following the title.

Applicant should review each benefit claim submitted and, if appropriate, provide the proper reference to the prior-filed application(s) as required by 37 CFR 1.78. A proper relationship includes an identification of each nonprovisional application as a continuation, divisional or continuation-in-part application of the immediate prior-filed nonprovisional application for which a benefit is claimed under 37 CFR 1.78 in order to establish copendency throughout the entire chain of prior-filed applications. The specific reference must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

**Timeliness:** The required reference for each benefit claim must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed. See 37 CFR 1.78(a).

☐ Improper Benefit Claim(s) to Prior-Filed Provisional Application(s)

The benefit claim(s) to prior-filed provisional application(s) is improper because the instant application was not filed within twelve (12) months from the filing date of the provisional application, and there is no indication of an intermediate nonprovisional application that is directly claiming the benefit of the provisional application and filed within 12 months of the filing date of the provisional application. For example, applicant should amend the specification to include a specific reference, such as "This application is a continuation of Application No. 10/---,--- filed ---, which claims the benefit of U.S. Provisional Application No. 60/---,--- filed ---." in the first sentence of the specification following the title.

Applicant should review each benefit claim submitted and, if appropriate, provide the proper reference to the prior-filed applications (including an indication of any intermediate nonprovisional application that is directly claiming the benefit of the provisional application and filed with 12 months of the filing date of the provisional application) as required by 37 CFR 1.78. The required reference must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

**Timeliness:** The required reference for each benefit claim must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant

application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed during the pendency of the instant application.

❑ **Improper Priority Claim(s) to Prior-Filed Foreign Application(s)**

The instant application was not filed within twelve (12) months from the filing date of the prior-filed foreign application, and there is no benefit claim to an intermediate nonprovisional application filed within 12 months of the filing date of the foreign application. Applicant should review each priority claim submitted and, if appropriate, provide the proper reference to any intermediate nonprovisional application filed within 12 months of the filing date of the foreign application in compliance with 37 CFR 1.78, or delete the priority claim. The required reference to an intermediate nonprovisional application must be included in the domestic priority information section of an application data sheet (37 CFR 1.76), or the specification must contain, or be amended to contain, such reference in the first sentence following the title.

**Timeliness:** The required reference for the benefit claim to an intermediate nonprovisional application must be filed during the pendency of the instant application and within the later of: (1) four months from the actual filing date of the instant application, or the national stage commencement date if the instant application is a national stage application under 35 U.S.C. 371; or (2) sixteen months from the filing date of the prior-filed application. Failure to timely file the required reference is considered a waiver of any benefit claim, unless a grantable petition to accept an unintentionally delayed claim under 37 CFR 1.78(a), the surcharge set forth in 37 CFR 1.17(t), and the required reference are filed.

❑ **Benefit Claims to More Than 400 Prior-Filed Applications**

The Office's automated system to record and capture benefit claims is only capable of recording benefit claims for 400 prior-filed applications. Therefore, the Office is unable to generate a filing receipt containing benefit claims for more than 400 prior-filed applications even though applicant is entitled to submit benefit claims for more than 400 prior-filed applications. Accordingly, applicant should not request a corrected filing receipt to include benefit claims for more than 400 prior-filed applications.

✓ **Prior-Filed Nonprovisional Application has been Improperly Indicated as a National Stage (35 U.S.C. 371) Application**

Applicant submitted a benefit claim to a prior-filed nonprovisional application and improperly indicated that the prior-filed application is a national stage application under 35 U.S.C. 371. The Office's records show that the prior-filed application is an application filed under 35 U.S.C. 111(a). The Office has entered the benefit claim to the prior-filed application as a benefit claim to an application filed under 35 U.S.C. 111(a). Any request for a corrected filing receipt to include the indication that the prior-filed application is a national stage application will not be granted unless applicant supplies evidence that the prior application was in fact a national stage application. Accordingly, applicant should not submit such request without such evidence. Applicant should submit an amendment (or an application data sheet (ADS) if the benefit claim was submitted in an ADS) to delete the indication that the prior-filed application is a national stage application.

For more information and examples on benefit claims, please see Claiming the Benefit of a Prior-Filed Application under 35 U.S.C. 119(e), 120, 121, and 365(c), 1268 Off. Gaz. Pat. Office 89 (March 18, 2003), which is available on the USPTO website at <http://www.uspto.gov/web/offices/com/sol/og/2003/week11/patbene.htm>, and the Manual of Patent Examining Procedure (MPEP) §§ 201.11 and 201.14.

File Edit Options Help

Insert Continuity

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Disclaim

Insert Foreign



Accept

Reject



## Domestic Continuity

Child Application Number	Continuity Code	Parent Application Number	Parent Patent Number	Parent Status	Parent Filing Date	I N	Seq No.
09422804	DIV	08925676	6054270	PATENTED	09/09/1997		1
08925676	DIV	08230012	5700637	PATENTED	04/19/1994		2
08925676	CON	07695682		ABANDONED	05/03/1991	N	3
07695682	CIP	07573317		ABANDONED	09/28/1990	N	4
07573317	CON	PCT/GB89/00460			05/02/1989	N	5

↓ This should be 371, but if we enter ~~371~~ <sup>371</sup> NST  
message says "National stage application cannot have  
direct NST claim"

## Foreign Priority

Country Code	Country/Receiving Office Name	Foreign/PCT Application Number	Filing Date	Seq No.
GB	UNITED KINGDOM	8810400.5	05/03/1998	1

erimando

11/29/2002